

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Campos	Team: Squad #16	CCRB Case #: 201709634	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/10/2017 3:15 AM	Location of Incident: § 87(2)(b)	Precinct: 43	18 Mo. SOL 5/10/2019	EO SOL 5/10/2019	
Date/Time CV Reported Mon, 11/13/2017 8:07 AM	CV Reported At: IAB	How CV Reported: E-mail	Date/Time Received at CCRB Mon, 11/20/2017 11:02 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Christophe Ort	03277	935437	BX SVS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Joseph Helgersen	3603	938648	BX SVS
2. SDS Kevin Hoare	02593	914817	BX SVS
3. CPT Steven Green	00000	906385	SVD Z1

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Christophe Ort	Abuse: Detective Christopher Ort entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
B.DT3 Christophe Ort	Abuse: Detective Christopher Ort searched § 87(2)(b) in the Bronx.	§ 87(2)(b)
C.DT3 Christophe Ort	Abuse: Detective Christopher Ort failed to show the search warrant to § 87(2)(b)	§ 87(2)(b)
D.DT3 Christophe Ort	Discourtesy: Detective Christopher Ort spoke discourteously to § 87(2)(b)	§ 87(2)(b)

Case Summary

On November 13, 2017, § 87(2)(b) filed this complaint on behalf of herself with IAB via email. The CCRB received the case on November 20, 2017, via IAB Log #2017-45374.

On November 10, 2017, at approximately 3:15 a.m., § 87(2)(b) was sleeping at § 87(2)(b) in the Bronx, when she was awoken by officers entering and searching the apartment (**Allegation A** and **Allegation B: Abuse of Authority**, § 87(2)(g)). When Detective Christopher Ort of the Bronx Special Victims Squad entered the room in which § 87(2)(b) had been sleeping, she asked if he had a search warrant and she asked him to show it to her. In response, Det. Ort told her to shut up, and used a profanity that § 87(2)(b) refused to repeat to the CCRB, but she described as the “The F word,” (**Allegation B** and **Allegation C: Abuse of Authority**, § 87(2)(g)). The officers searched the apartment, and arrested § 87(2)(b) son, § 87(2)(b) before leaving her home.

There is no video evidence for this case.

§ 87(2)(b) does not speak English fluently. A translator was utilized to interview § 87(2)(b) in Spanish.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Christopher Ort entered § 87(2)(b) in the Bronx.

Allegation (B) Abuse of Authority: Detective Christopher Ort searched § 87(2)(b) in the Bronx.

In her sworn statement to the CCRB, § 87(2)(b) stated that on November 10, 2017, at approximately 3:15 a.m., she was asleep at § 87(2)(b) in the Bronx when she was awoken by a loud sound followed by the sound of officers yelling in the home. The home belonged to her son, § 87(2)(b) and she was staying at his home along with her other son, § 87(2)(b) and her brother, § 87(2)(b). Officers entered the room in which § 87(2)(b) was sleeping and placed her on a couch in the living room. § 87(2)(b) and § 87(2)(b) were also brought to the couch to join § 87(2)(b) while § 87(2)(b) was left in his room. Officers searched the apartment, including the kitchen, a closet, and the room in which § 87(2)(b) was staying. The officers removed from the room § 87(2)(b) telephone, car keys, sweater, hat, pair of pants, and watch. § 87(2)(b) was arrested. Before leaving the location, Det. Ort asked § 87(2)(b) to go to the bottom floor of the building with him, where he provided § 87(2)(b) with a copy of a search warrant (Board Review 01). In a follow up call, § 87(2)(b) explained that she knew § 87(2)(b) was given a copy of the search warrant because after he went to the first floor with the officers, he returned to the apartment with the copy of the search warrant (Board Review 02).

Det. Ort testified that he was the investigating officer for a case in which § 87(2)(b) was wanted for multiple complaints § 87(2)(b). Det. Ort conducted an investigation into § 87(2)(b) and obtained video footage of him and his vehicle, his address, and a photograph of him. Det. Ort obtained a search warrant to seize § 87(2)(b) clothing and electronic devices from § 87(2)(b) in the Bronx. Detective Joseph Helgerson, Sergeant Kevin Hoare, and Captain Steven Green of the Bronx Special Victim

Squad accompanied Det. Ort in executing the search warrant. An Emergency Services Unit conducted the forced entry of the home, and Det. Ort conducted a search of § 87(2)(b) room. In his room, Det. Ort found the subjects of his search, the clothes § 87(2)(b) wore when his crimes were committed, two cellular phones, and keys to § 87(2)(b) vehicle (Board Review 03).

Search Warrant § 87(2)(b), issued by the Criminal Court of the City of New York County of the Bronx was obtained by the investigation. The warrant authorized and directed Det. Ort to search § 87(2)(b) in the Bronx at any time of day or night. The warrant further instructed Det. Ort to seize items including men's clothing, any flat brimmed hat, men's sneakers, and evidence to demonstrate the ownership of a black Chevrolet Impala. The warrant further noted that "adequate grounds exist for authorizing any executing police officer to enter the premises to be searched without notice of his/her authority on purpose." The warrant was dated November 10, 2017, at 1:16 a.m. (Board Review 04).

Criminal Procedure Law § 690.50, regarding the execution of search warrants, states that officers executing a search warrant may forcibly enter a residence as is necessary to execute the warrant. The procedure also states that officers need not provide notice of their authority and purpose (Board Review 05).

Criminal Procedure Law § 690.30, Search Warrants; When Executable, states that a search warrant must be executed no more than ten days after the date of issuance. The procedure also states that search warrants are to be executed between the hours of 6:00 a.m. and 9:00 p.m., unless the warrant authorizes a search to be conducted at any time (Board Review 06).

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Abuse of Authority: Detective Christopher Ort failed to show the search warrant to § 87(2)(b)

Allegation (D) Abuse of Authority: Detective Christopher Ort spoke discourteously to § 87(2)(b)

After § 87(2)(b) was awoken by the sound of officers entering the apartment, Det. Ort and an unidentified officer entered the room in which § 87(2)(b) was sleeping and told her to sit on her bed. § 87(2)(b) asked the officers to if they had a search warrant and asked them to show it to her. Det. Ort told her to shut her mouth and used what § 87(2)(b) described as "The F word." § 87(2)(b) refused to state the actual profane word which Det. Ort used. § 87(2)(b) was asked to say

the complete phrase while omitting the profane word. § 87(2)(b) stated that Det. Ort said “Shut up, quiet, and sit down,” and added that it was not her business and she did not need it. Det. Ort only spoke English to § 87(2)(b). § 87(2)(b) asked to see the search warrant once (Board Review 01).

Det. Ort stated that § 87(2)(b) did not request to see a search warrant at any point during the incident. Det. Ort denied telling § 87(2)(b) that it was none of her business in response to a request to see a search warrant. Det. Ort denied stating “Fuck,” “Shut the fuck up,” and “Sit the fuck down.” Det. Ort did not use profanity at any point during the incident (Board Review 03).

Det. Helgerson testified to the CCRB that he did not recall if § 87(2)(b) requested to see the search warrant. Det. Helgerson stated that he did not witness and was not aware of Det. Ort stating, “Shut the fuck up,” or “Sit the fuck down,” and he did not witness and was not aware of Det. Ort using profanity at any point during the incident (Boars Review 07).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is § 87(2)(b) first complaint at the CCRB (Board Review 08).
- Det. Ort has been a member of service for 13 years. There is one prior allegation pleaded against Det. Ort.
 - In CCRB case 201709634, a physical force allegation was pleaded against Det. Ort. The Board disposition was exonerated.

Mediation, Civil and Criminal Histories

- This case was ineligible for mediation because § 87(2)(b) was arrested during the incident.
- On February 16, 2017, a FOIL request was sent to the Comptroller’s Office for any Notice of Claim filed by or behalf § 87(2)(b). The results will be included with the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer:

Signature

Print Title & Name

Date